

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Benjamin F. James IV

Application No.: 10/726/203

Group No.: 2883

Filed: 12/03/2003

Examiner: Blevins, Jerry M.

For: OPTICAL FIBER INCLUDING A DIFFUSER PORTION AND CONTINUOUS SLEEVE FOR THE TRANSMISSION OF LIGHT

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO REVIVE AND ACCEPT ISSUE FEE PAYMENT (PTOL-85)
FILED VIA FACSIMILE (37 CFR 1.6(d))
WHERE OFFICE HAS NO RECORD OF RECEIPT

In response to the Notice of Abandonment mailed July 11, 2007, applicant hereby petitions under 37 C.F.R. § 1.181(a) to withdraw holding of abandonment and for the USPTO to accept the issue fee payment transmitted by facsimile to the Office on June 13, 2007, prior to the due date of June 18, 2007.

1. Issue Fee was Previously Transmitted on June 13, 2007

The completed PTOL-85 form for the application identified above was filed via facsimile transmission on June 13, 2007.

CERTIFICATION UNDER 37 C.F.R. ' ' 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☐ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☐ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

G as "Express Mail Post Office to Addressee"

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TRANSMISSION

☒ transmitted via the Office electronic filing system in accordance with 37 CFR 1.6(a)(4)

/Sheila Cole/
Signature

Date: July 17, 2007

Sheila Cole
(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment

2. Evidence of Previously Transmitted Issue Fee

Attached please find our transmission communication result report, dated June 13, 2007, evidencing the transmission of the PTOL-85 form in question by Jacqueline Pintinics.

Attached please find the USPTO's Auto-Reply Facsimile Transmission receipt for this facsimile transmittal also dated June 13, 2007.

In view of the foregoing, it is respectfully requested that the Notice of Abandonment dated July 11, 2007 be withdrawn, and that the USPTO accept the issue fee payment previously transmitted on June 13 2007.

No fee is believed to be due in connection with this Petition. However, authorization is hereby made to charge any such fee or any other fee that may be due in connection with this Petition to Deposit Account No, 10-0750/IND38DIV.

Date: July 17, 2007

/Melissa J. Szanto/
Melissa J. Szanto
Registration No. 40,834
Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
US
732-524-1365
Customer No. 000027777

* * * COMMUNICATION RESULT REPORT (JUN. 13. 2007 12:57PM) * * *

FAX HEADER 1: J&J PATENT INFO SVCS
FAX HEADER 2: 17325242808TRANSMITTED/STORED : JUN. 13. 2007 12:56PM
FILE MODE OPTION

ADDRESS

RESULT

PAGE

3586 MEMORY TX

USPTO

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1/1

REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWERE-2) BUSY
E-4) NO FACSIMILE CONNECTION

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

27777 7590 03/16/2007

PHILIP S. JOHNSON
 JOHNSON & JOHNSON
 ONE JOHNSON & JOHNSON PLAZA
 NEW BRUNSWICK, NJ 08933-7003

Certificate of Mailing or Transmission
 I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Jacqueline Pintinics (Depositor's name)
 (Signature)
 03/16/2007 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,806	12/03/2003	Benjamin F. James IV	IND-38DIV	4108

TITLE OF INVENTION: OPTICAL FIBER INCLUDING A DIFFUSER PORTION AND CONTINUOUS SLEEVE FOR THE TRANSMISSION OF LIGHT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	06/18/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
BLEVINS, JERRY M	2883	385-031000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev. 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list
 (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.111. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY) Recorded: 02/16/2001

Indigo Medical, Inc.

Palo Alto, CA

Reel/Frame: 011561/0736

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies

4b. Payment of Fee(s): (Please first resupply any previously paid issue fee shown above)

☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 10-0750 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Melissa J. Szanto

Date 6/11/2007

Typed or printed name

Melissa J. Szanto

Registration No. 40,834

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Auto-Reply Facsimile Transmission



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Received
Cover
Page

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06/13/2007 12:56PM 17325242808 90.3586 P. 1

TO: ISSUE FEE

PART I - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**
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Alexandria, Virginia 22313-1459
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21771 1299 06/13/2007

PHILIP S. JOHNSON
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NEW BRUNSWICK, NJ 08933-7003

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Certificate of Mailing or Transmittal
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Jacqueline Pitolinis (Depositor's name)
 (Signature)
 6/13/2007 (Date)

APPLICATION NO.	FILING DATE	INVENTOR NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,106	12/03/2003	Benjamin F. Jones IV	BD-106IV	4108

TITLE OF INVENTION: OPTICAL FIBER INCLUDING A DIFFUSER PORTION AND CONTINUOUS SLEEVE FOR THE TRANSMISSION OF LIGHT

APPL. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	FEES PAID/ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$700	\$0	\$1700	06/13/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
BLAKINS, JERRY M	2883	383-031008

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.33):
☐ Change of correspondence address for Change of Correspondence Address form PTO/SB/112 attached.
☐ "Fee Address" indication for "Fee Address" Indication form PTO/SB/112, Rev. 03/00 or more recent attached. Use of a Certificate Number is required.

2. For printing on the patent front page, list:
 (1) the name of an individual registered patent attorney or agent or agent in lieu, alternatively,
 (2) the name of a single firm (having at least one registered attorney or agent) and the name of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)
PLEASE NOTE: Unless an assignee is identified below, the assignee will appear on the patent. If an assignee is identified below, the document has been filed for recording at the USPTO. Completion of this form is NOT a substitute for filing an assignment.

(a) NAME OF ASSIGNEE: **Indigo Medical, Inc.** **Palo Alto, CA** **Real/Firm: 011561/0736**

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:
☒ Issue fee
☒ Publication fee (to assist entity closest possible)
☐ Advance Order - 9 of Copies

4b. Payment of Fee(s): (Please form resupply any previously paid fees for shown above)
☐ A check is enclosed.
☐ Payment by credit card, Form PTO 2039 is attached.
☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number **40-834** (include an extra copy of this form).

5. Change in Entity Status (How same indicated above):
☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.21. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.21(b)(2).

NOTE: The issue fee and Publication fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature: Melissa J. Szabo Date: 6/11/2007
 Type or print name: Melissa J. Szabo Registration No.: 40,834

This copy of information is received by 37 CFR 1.21. The information is required to obtain a benefit by the public which it is due (and by the USPTO in process) on application. Confidentiality is preserved by 37 CFR 1.21 and 37 CFR 1.14. This information is confidential to the 12 months to complete, including processing, preparing, and submitting the completed application form to the USPTO. There will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and its independence for release date herein, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1459, Alexandria, Virginia 22313-1459. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1459, Alexandria, Virginia 22313-1459.

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PTOL-45 (Rev. 07/04) Approved for use through 04/02/2007. OMB 0651-0081 U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

PAGE 11 * RCVD AT 6/13/2007 11:54:53 AM [Eastern Daylight Time] * SVR:USPTO-EFAXF-219 * DNS:2732885 * CSD:7325242808 * DURATION mm-ss:01:08